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VIA ECF

September 4, 2024

Hon. Kevin P. Castel
United States District Court Judge
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, NY 10007

Re: Sphere 3D Corp. v. Gryphon Digital Mining, Inc., 1:23-cv-02954-PKC

Dear Judge Castel:

We represent plaintiff and counter-defendant Sphere 3D Corp. (“Sphere”). On August 21, 2024, Sphere filed a motion seeking the issuance of a letter of request (the “Motion”) to the English courts to permit the deposition of Dan Tolhurst, a former executive of defendant and counter-plaintiff Gryphon Digital Mining, Inc. (“Gryphon”). *See* Dkt. 93. Counsel for Gryphon recently advised Sphere that Mr. Tolhurst had rejoined Gryphon as a director and that Gryphon would make Mr. Tolhurst available for a deposition in this action. Based on these representations by Gryphon’s counsel, Sphere withdraws the Motion.

We thank the Court for its attention to this matter.

Sincerely,

/s/ *Gregory N. Wolfe*